

**Appln. No. 09/085,755 - ELLIS**

Additionally, the Examiner rejected claims "9+37-41" under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-83 of U.S. Patent No. 6,167,428 (Ellis '428). Applicant traverses the rejection.

Claims 9 and 37-41 of the present application are directed to a network server computer comprising a compensation determining mechanism to determine compensation for network services provided by personal computers in a shared processing operation, wherein the mechanism determines a net charge based on a difference between a monitored provision of network services to a network by a personal computer, and a monitored use of network services by the personal computer. A firewall in at least one of the computers denies access to a portion of the computer.

Claims 1-83 of Ellis '428 are directed to systems for a network of computers in which at least two personal computers participate in a shared processing operation. A firewall denies access to a portion of one of the computers. Claims 1-83 do not include a compensation determining mechanism, as recited in claims 9 and 37-41 of the present application.

Applicant submits that the Examiner has not shown that claims 9 and 37-41 define an invention that is merely an obvious variation of the systems defined in claims 1-83 of Ellis '428. "Any obvious-type double patenting rejection should make clear . . . [t]he reasons why a person of ordinary skill in the art would conclude that the invention defined in the claim at issue is an obvious variation of the invention defined in a claim of the patent." MPEP § 804(II)(B)(1). Here, the Examiner merely alleges that the conflicting claims present an "essentially equivalent system."

Accordingly, the Examiner's rejections of claims 9 and 37-41 are overcome.

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**CONCLUSION**

All rejections and objections having been addressed, Applicant submits that the application is now in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

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